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SUBJECT: BULGARIA: SELECTION OF NEW CHIEF PROSECUTOR IS
"THE" ELECTION OF 2006

Classified By: Charge D'Affairs Jeffrey Levine, for reason 1.4 (C)

1. (C) SUMMARY. The main event on Bulgaria's political calendar this year is often considered to be the November presidential election, but in fact the selection of a new Chief Prosecutor today may have more of a lasting impact on Bulgaria's future. As previewed with the Ambassador by Interior Minister Rumens Petkov on January 17, the Supreme Judicial Council selected Boris Velchev, the senior legal adviser to President Parvanov, with 23 of the Council's 25 members voting in favor. Velchev is well and favorably known to the Embassy. With Velchev's replacement of the incumbent Prosecutor Nikolai Filchev, hopes are high that Bulgaria's rule-of-law climate will see immediate improvement. Filchev is widely acknowledged to be the most capricious and vindictive high-ranking public official in Bulgaria, and the powers of his office are vast. The EU views selection of his replacement as one of Bulgaria's few opportunities to demonstrate its credibility on rule-of-law issues before its final report. END SUMMARY.

Boris Velchev Named New Prosecutor General

2. (U) The Supreme Judicial Council (SJC))the principle body that oversees the judiciary))elected Boris Velchev, the head of President's Legal Council, as the new Chief Prosecutor on January 19. Although several names had been circulating in the press as possible candidates, Velchev was the only nominee proposed by the SJC. Shortly after the nomination, the SJC decided to immediately elect Velchev to the position rather than wait until January 22 when they were obligated to start the election process.

3. (C) Interior Minister Petkov told the Ambassador in a meeting on January 17 that Velchev had emerged as the front-runner to succeed Nikolai Filchev as Chief Prosecutor. At that time, Petkov said the government had 15 of the minimum 17 votes on the Council needed to ensure the selection of Velchev. Petkov praised Velchev as the right person for the job, highlighting his character, willpower and the fact that he was acceptable to the judicial system. He asked the Ambassador directly how the U.S. would react to Velchev's selection. The Ambassador responded that the U.S. reaction would be positive, but that Filchev's team must also be replaced.

Opposition Decries Velchev Election As "Fixed"

4. (U) Opposition parties were quick to criticize Velchev's election and the fact that he was the only nominee. They charged that the Chief Prosecutor's election was clearly rigged and that the government and President had blatantly interfered in the independence of the Supreme Judicial Council. Peter Stoyanov, the head of the Union of Democratic Forces (UDF), said "it is very sad that for the first time in the election of the Chief Prosecutor the politicians of the ruling coalition openly arranged for the SJC to elect a specific person to the post" with the help of the President. Another member of UDF said Velchev's election was a clear violation of the independence of the individual branches of government and likened it to an attempt by "someone"--presumably the President--to consolidate all the branches of government into one.

The Process for Choosing a New Prosecutor General

5. (C) According to the law, the SJC--which consists of magistrates, prosecutors, investigators, lawyers, and two university professors---must initiate the selection process for a new prosecutor general one to two months before the incumbent's term expires, which for Filchev is February 22. A Chief Prosecutor must first be nominated by the SJC (or by the Justice Minister) by at least one-fifth of SJC members. In order to be elected, a candidate needs at least 17 votes out of the 25-member SJC. Velchev received 23 of 25 votes, according to the press. The overwhelming support for Velchev surprised many, including Constitutional Court Justice Evgeni Tanchev, who also is a former legal advisor to Parvanov and knows Velchev well. Tanchev told us he expected 18-20 votes

for Velchev. He believes the quick vote was a smart tactical move by Velchev's supporters, especially Purvanov, to deny Velchev's opponents enough time to organize a campaign against him. Tanchev worried out loud that Velchev could be risking his life for this job if he proceeds in the direction he has indicated, i.e., after the OC bosses and Filchev's cronies. He confirmed that, unless Filchev decides to resign, the transition will take place on February 22.

A New Era for Rule-of-Law in Bulgaria?

16. (C) Velchev's replacement of the incumbent Prosecutor Filchev could represent a dramatic shift in the rule-of-law climate in Bulgaria. Filchev is widely acknowledged to be the most capricious and vindictive high-ranking public official in Bulgaria, and the powers of his office are vast. Over the last seven years, he has abused this power to enrich himself and his cronies and to pursue judicial vendettas against numerous real and perceived enemies. This, combined with the Chief Prosecutor's almost complete lack of accountability under the constitution) Bulgarians' describe him as "responsible only to God" -- make the choice of a new Chief Prosecutor a bellwether for both the U.S. and the EU of Bulgaria's willingness to confront the problems of organized crime and corruption. According Interior Minister Petkov, Filchev is likely to be appointed an ambassador, possibly to a former Soviet republic like Kazakhstan. The idea is to send Filchev to a country "without a direct flight" to Bulgaria, quipped Petkov. (We suggested Minsk, believing that Filchev and Lukashenko would quickly develop a strong affinity.)

The New Prosecutor General

17. (C) Boris Velchev, who was born in Sofia in 1962, is an associate law professor and has a PhD in law. He teaches criminal law at Sofia University and the University of Veliko Turnovo. He currently serves as the Chairman of the President's Legal Council. Velchev's family was closely tied to the former communist regime, a fact that is widely cited in the news media. His grandfather was a Politburo member who was close to Todor Zhivkov. His father was a diplomat under the communist regime and last served in Moscow. Velchev himself is a former member of the communist party, who now sympathizes with the Bulgarian Socialist Party. Velchev is candid and straightforward and has been described as "not easy to manipulate." In conversations with Embassy contacts, he has openly criticized Filchev, calling him "mentally unstable" and "sick." In private conversations with us, Velchev has also spoken very frankly about corruption in the government and political parties, making no exceptions even for the BSP.

Comment

18. (C) Opposition charges that Velchev's selection was manipulated by the President are probably true, but miss the point: Purvanov and others like him recognize the high stakes involved in the selection of new Chief Prosecutor and wanted to ensure that no one close to Filchev got the job. A number of EU missions had warned the selection of Filchev's replacement would be watched closely. With less than three months before its final review for 2007 EU entry, Bulgaria has only a limited opportunity to demonstrate progress. The government as a whole clearly hopes Velchev's selection will seem a winning message.
Levine